

1 David J. Burman (admitted *pro hac vice*)
2 DBurman@perkinscoie.com
3 Cori G. Moore (admitted *pro hac vice*)
4 CGMoore@perkinscoie.com
5 Troy P. Sauro, Bar No. 224097
6 TSauro@perkinscoie.com
7 Noah G. Purcell (admitted *pro hac vice*)
8 NPurcell@perkinscoie.com
PERKINS COIE LLP
9 4 Embarcadero Center, Suite 2400
10 San Francisco, CA 94111
11 Telephone: 415.344.7000
12 Facsimile: 415.344.7302
13
14 Attorneys for Plaintiff
15 Costco Wholesale Corporation

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 IN RE: TFT-LCD (FLAT PANEL)
20 ANTITRUST LITIGATION

21 This Document Relates to Individual Case No.
22 3:11-00058-SI

23 COSTCO WHOLESALE CORPORATION,

24 Plaintiff,

25 v.

26 AU Optronics Corporation; et al.,

27 Defendants.

Master File No. M:07-1827 SI

MDL No. 1827

Individual Case No.: 3:11-cv-00058-SI

STIPULATION AND [PROPOSED]
ORDER REGARDING SERVICE AND
SCHEDULING

Clerk's Action Required

22 **I. STIPULATION**

23 WHEREAS, plaintiff Costco Wholesale Corporation ("Costco") filed the above-
24 captioned lawsuit on November 30, 2010;

25 WHEREAS, the Clerk of the United States Judicial Panel on Multidistrict Litigation
26 issued a Conditional Transfer Order (CTI-10) transferring this lawsuit under 28 U.S.C. § 1407 to
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1 the Northern District of California, subject to the consent of that court, assigned to the Honorable
2 Susan Yvonne Illston.

3 WHEREAS, Costco wishes to avoid the burden and expense of serving process on the
4 Stipulating Defendants;

5 WHEREAS, the Stipulating Defendants desire a reasonable amount of time to respond to
6 Costco's Complaint;

7 WHEREAS, Costco and the Stipulating Defendants believe that proceeding on a unified
8 response date will create efficiency for the Court and the parties by reducing duplicative motion
9 practice;

10 WHEREAS, this extension will not alter the date of any event or any deadline already
11 fixed by the Court;

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
13 undersigned counsel, on behalf of their respective clients, Costco, on the one hand, and
14 defendants AU Optronics Corporation; AU Optronics Corporation America; Chi Mei Corp.; Chi
15 Mei Optoelectronics Corporation; Chi Mei Optoelectronics, USA, Inc.; CMO Japan Co., Ltd.;
16 Epson Electronics America, Inc.; Epson Imaging Devices Corporation; HannStar Display
17 Corporation; Hitachi, Ltd.; Hitachi Display, Ltd.; Hitachi Electronic Devices (USA), Inc.; LG
18 Display Co., Ltd.; LG Display America, Inc.; Nexgen Mediatech USA, Inc.; Nexgen Mediatech,
19 Inc.; Samsung Electronics Company; Samsung Electronics America, Inc.; Samsung
20 Semiconductor, Inc.; Sharp Corporation; Sharp Electronics Corporation; Tatung Company of
21 America, Inc.; Toshiba Corporation; Toshiba America Electronic Components, Inc.; Toshiba
22 America Information Systems, Inc.; and Toshiba Mobile Display Co., Ltd. (collectively,
23 "Stipulating Defendants") on the other hand, as follows:

24 1. Stipulating Defendants waive service of Costco's Complaint under Federal Rule
25 of Civil Procedure 4(d).

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1 2. Stipulating Defendants will have ninety (90) days following the execution of this
2 stipulation, to move against, answer or otherwise respond to Costco's Complaint. In computing
3 this time period, Rule 6 of the Federal Rules of Civil Procedure shall govern.

4 3. Costco and Stipulating Defendants agree to the following briefing schedule for
5 any motion or motions to dismiss Costco's Complaint (the "Motions") and agree to file all
6 motions or proposed orders as necessary to implement the agreed-upon schedule. To the extent
7 the Court does not accept all or any part of the proposed schedule, Costco and Stipulating
8 Defendants agree to work in good faith to establish a briefing schedule for the Motions
9 acceptable to all parties and the Court to replace that set forth below:

10 a. Costco will have forty-five (45) days from the date that defendants move,
11 answer or otherwise respond to Costco's complaint to file any response(s) to the Motions.

12 b. Stipulating Defendants will have twenty-one (21) days from the date that
13 Costco files any response(s) to the Motions to file any reply brief(s) to the Motions.

14 c. The hearing on the Motions will be noticed for a date that is within at least
15 ten (10) days following the date for filing of any reply brief(s) to the Motions.

16 4. Except as set forth above, all Local Rules shall remain in effect with respect to the
17 briefing on the Motions. Entering into this stipulation does not effect a waiver of any defense
18 under Federal Rule of Civil Procedure 12. This stipulation does not constitute a waiver of any
19 challenge to personal jurisdiction by any Defendant.

20 IT IS SO STIPULATED:

21 DATED this 23rd day of February, 2011.

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1 PERKINS COIE LLP
2

3 By: /s/ Troy Sauro
4 Troy Sauro

5 Troy Sauro (CA SBN 224097)
6 Four Embarcadero Center
7 Suite 2400
8 San Francisco, CA 94111-4131
9 Tel: (415) 344-7000
10 Fax: (415) 344-7050
11 tsauro@perkinscoie.com

12 David J. Burman (*pro hac vice*)
13 Cori Gordon Moore (*pro hac vice*)
14 1201 Third Avenue, 40th Floor
15 Seattle, WA 98101
16 Tel: (206) 359-8000
17 Fax: (206) 359-9000
18 dburman@perkinscoie.com
19 cgmoore@perkinscoie.com

20 Attorneys for Plaintiff Costco Wholesale
21 Corporation

22 *Attorneys for Plaintiff Costco Wholesale Corporation*

23 NOSSAMAN LLP

24 By: /s/ Christopher A. Nedeau
25 Christopher A. Nedeau

26 Christopher A. Nedeau (CA SBN 81297)
27 Carl L. Blumenstein (CA SBN 124158)
Allison M. Dibley (CA SBN 213104)
50 California Street, 34th Floor
San Francisco, CA 94111
Tel: (415) 398-3600
Fax: (415) 398-2438
cnedreau@nossaman.com
cblumenstein@nossaman.com
adibley@nossaman.com

28 *Attorneys for Defendants AU Optronics Corporation*
29 *and AU Optronics Corporation America*

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1 WILMER CUTLER PICKERING HALE AND
2 DORR LLP

3 By: /s/ Nathan L. Walker
4 Nathan L. Walker

5 Nathan L. Walker (CA SBN 206128)
6 950 Page Mill Road
7 Palo Alto, CA 94304
8 Tel: (650) 858-6000
9 Fax: (650) 858-6100
10 nathan.walker@wilmerhale.com

11 Steven F. Cherry (*pro hac vice*)
12 Adam M. Raviv (*pro hac vice*)
13 1875 Pennsylvania Avenue, NW
14 Washington, DC 20006
15 Tel: (202) 663-6000
16 Fax: (202) 663-6363
17 steven.cherry@wilmerhale.com
18 adam.raviv@wilmerhale.com

19 *Attorneys for Chi Mei Corporation, Chimei Innolux*
20 *Corporation f/k/a Chi Mei Optoelectronics*
21 *Corporation, Chi Mei Optoelectronics, USA, Inc.,*
22 *CMO Japan Co., Ltd., Nexgen Mediatech USA, Inc.,*
23 *and Nexgen Mediatech, Inc.*

24 MORRISON & FOERSTER LLP

25 By: /s/ Stephen P. Freccero
26 Stephen P. Freccero

27 Melvin R. Goldman (CA SBN 34097)
28 Stephen P. Freccero (CA SBN 131093)
29 Derek F. Foran (CA SBN 224569)
30 425 Market Street
31 San Francisco, CA 94105
32 Tel.: (415) 268-7000
33 Fax: (415) 268-7522
34 mgoldman@mofo.com
35 sfreccero@mofo.com
36 dforan@mofo.com

37 *Attorneys for Defendants Epson Imaging Devices*
38 *Corporation and Epson Electronics America, Inc.*

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1 K&L GATES LLP
2

3 By: /s/ Ramona M. Emerson
4 Ramona M. Emerson

5 Hugh F. Bangasser (*pro hac vice*)
6 Ramona M. Emerson (*pro hac vice*)
7 Christopher Wyant (*pro hac vice*)
8 925 Fourth Avenue, Suite 2900
9 Seattle, WA 98104
10 Tel.: (206) 623-7580
11 Fax: (206) 623-7022
12 hugh.bangasser@klgates.com
13 ramona.emerson@klgates.com
14 chris.wyant@klgates.com

15 Jeffrey L. Bornstein (CA SBN 99358)
16 Four Embarcadero Center, Suite 1200
17 San Francisco, CA 94111-5994
18 Tel.: (415) 882-8040
19 Fax: (415) 882-8220

20 *Attorneys for Defendant HannStar Display*
21 *Corporation*

22 MORGAN, LEWIS & BOCKIUS LLP

23 By: /s/ Kent M. Roger
24 Kent M. Roger

25 Kent M. Roger (CA SBN 95987)
26 One Market
27 Spear Street Tower
San Francisco, CA 94105
Tel.: (415) 442-1000
Fax: (415) 442-1001
kroger@morganlewis.com

28 *Attorneys for Defendants Hitachi Electronic Devices*
29 *(USA), Inc., Hitachi, Ltd., and Hitachi Display, Ltd.*

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1 CLEARY GOTTLIEB STEEN & HAMILTON
2 LLP

3 By: /s/ Jeremy J. Calsyn
4 Jeremy J. Calsyn

5 Michael R. Lazerwitz (*pro hac vice*)
6 Jeremy J. Calsyn (CA SBN 205062)
7 Lee F. Berger (CA SBN 222756)
8 2000 Pennsylvania Avenue NW
9 Washington, DC 20006
Tel.: (202) 974-1500
Fax: (202) 974-1999
mlazerwitz@cgsh.com
jcalsyn@cgsh.com
lberger@cgsh.com

10 *Attorneys for Defendants LG Display Co., Ltd. and*
11 *LG Display America, Inc.*

12 COVINGTON & BURLING LLP

13 By: /s/ Simon J. Frankel
14 Simon J. Frankel

15 Simon J. Frankel (CA SBN 171552)
16 Jeffrey M. Davidson (CA SBN 248620)
17 One Front Street, 35th Floor
18 San Francisco, CA 94111
Tel.: (415) 591-6000
Fax: (415) 591-6091
sfrankel@cov.com
jdavidson@cov.com

19 *Attorneys for Defendants Samsung Electronics Co.,*
20 *Samsung Semiconductor, Inc., and Samsung*
21 *Electronics America, Inc.*

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23
24
25
26
27
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1 PILLSBURY WINTHROP SHAW PITTMAN
2 LLP

3 By: /s/ John M. Grenfell
4 John M. Grenfell

5 John M. Grenfell (CA SBN 88500)
6 Jacob R. Sorensen (CA SBN 209134)
7 Fusae Nara (pro hac vice)
8 Andrew D. Lanphere (CA SBN 191479)
9 50 Fremont Street
10 San Francisco, CA 94105
11 Tel.: (415) 983-1000
12 Fax: (415) 983-1200
13 john.grenfell@pillsburylaw.com
14 jake.sorensen@pillsburylaw.com
15 fusae.nara@pillsburylaw.com
16 andrew.lanphere@pillsburylaw.com

17 *Attorneys for Defendants Sharp Corporation and*
18 *Sharp Electronics Corporation*

19 GIBSON DUNN & CRUTCHER LLP

20 By: /s/ Rachel S. Brass
21 Rachel S. Brass

22 Rachel S. Brass (CA SBN 219301)
23 Gibson, Dunn & Crutcher LLP
24 555 Mission Street
25 San Francisco, CA 94105-2933
26 Tel: (415) 393-8293
27 Fax: (415) 374-8429
RBrass@gibsondunn.com

28 *Attorneys for Tatung Company of America, Inc.*

29 STIPULATION AND [PROPOSED] ORDER REGARDING SERVICE AND
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WHITE & CASE LLP

By: /s/ John H. Chung
John H. Chung

John H. Chung (pro hac vice)
1155 Avenue of the Americas
New York, NY 10036
Tel: (212) 819-8200
Fax: (212) 354-8113
jchung@whitecase.com

Christopher M. Curran (pro hac vice)
Kristen J. McAhren (pro hac vice)
701 Thirteenth Street, NW
Washington, DC 20005
Tel: (202) 626-3600
Fax: (202) 639-9355
ccurran@whitecase.com
kmcahren@whitecase.com

Attorneys for Defendants Toshiba Corporation, Toshiba America Electronic Components, Inc., Toshiba Mobile Display Co., Ltd., and Toshiba America Information Systems, Inc.

The filer of this document attests that the concurrence of the other signatories has been obtained.

II. ORDER

IT IS SO ORDERED.

DATED this 12th day of May, 2011

Susan Mlotek

Hon. SUSAN ILLSTON

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